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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALLEN BOYD, et al.,

Plaintiff(s),

v.

CASA NORTE APARTMENT, et al.,

Defendant(s).

2:13-CV-332 JCM (PAL)

**ORDER**

Presently before the court is the motion/application to proceed *in forma pauperis* by plaintiffs Allen and Nikci Boyd. (Doc. # 3).

Also before the court is the report and recommendation of Magistrate Judge Leen. (Doc. # 5). Neither plaintiff has filed objections the report and recommendation and the deadline date for filing objections has passed.

Plaintiffs filed a motion/application to proceed *in forma pauperis*. (Doc. # 1). Magistrate Judge Leen denied the application without prejudice and instructed plaintiffs how to amend the application so that it could be properly considered. (Doc. # 2). Plaintiffs filed a second motion/application to proceed *in forma pauperis*. (Doc. # 3). The plaintiffs did not make any of the required corrections that Magistrate Judge Leen ordered in her previous order. (*See* doc. # 2).

The deficiencies that plaintiffs failed to correct include: (1) plaintiffs filed a single application, and they each needed to fill out their own application; (2) plaintiffs originally filed the

1 application incomplete, and then re-filed a second incomplete application; and, (3) the magistrate  
2 judge's previous order warned plaintiffs that failure to comply with the order could result in a  
3 recommendation of dismissal to the district judge. (*See* doc. # 2).<sup>1</sup> Plaintiffs did not file objections  
4 to the report and recommendation.

5 This court "may accept, reject, or modify, in whole or in part, the findings or  
6 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
7 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
8 determination of those portions of the [report and recommendation] to which objection is made."  
9 28 U.S.C. § 636(b)(1).

10 Where a party fails to object, however, the court is not required to conduct "any review at all  
11 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
12 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
13 judge's report and recommendation where no objections have been filed. *See United States v.*  
14 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
15 district court when reviewing a report and recommendation to which no objections were made); *see*  
16 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
17 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
18 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
19 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
20 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation  
21 to which no objection was filed).

22 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
23 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
24 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in  
25 full.

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27 <sup>1</sup> Additionally, the magistrate judge suspected that one of the plaintiffs' signatures was a forgery. This court  
28 is also suspect of the authenticity of both signatures.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' application to  
3 proceed in forma pauperis (doc. # 3) be, and the same hereby, is DENIED.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the report and  
5 recommendation of Magistrate Judge Leen (doc. # 5) be, and the same hereby, is ADOPTED in its  
6 entirety.

7 IT IS FURTHER ORDERED that the action be dismissed without prejudice. The clerk of  
8 the court shall close the case.

9 DATED July 3, 2013.

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12 UNITED STATES DISTRICT JUDGE